

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
TUESDAY, SEPTEMBER 12, 2006
11:00 A.M.**

Commissioners Present: Deb Schorr, Chair
Bob Workman, Vice Chair
Larry Hudkins
Bernie Heier
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 11:02 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
SEPTEMBER 7, 2006**

MOTION: Stevens moved and Heier seconded approval of the Staff Meeting minutes dated September 7, 2006. Hudkins, Stevens and Heier voted aye. Workman and Schorr abstained from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Jail

MOTION: Hudkins moved and Stevens seconded approval of the addition to the agenda. Workman, Hudkins, Heier, Stevens and Schorr voted aye. Motion carried.

Heier and Stevens reported on recent a conversation with Allen Grell, Gage County Supervisor, and said Grell indicated that he is interested in a cooperative venture in terms of building a new jail in Lancaster County. Grell was invited to attend a Jail Steering Committee Meeting.

- 3 ROAD PROJECTS: A) DENTON ROAD DETOUR AT FOLSOM STREET; B) YANKEE HILL ROAD BETWEEN 40TH AND 56TH STREETS; AND C) 1ST STREET BETWEEN OLD CHENEY ROAD AND PIONEERS BOULEVARD** - Don Thomas, County Engineer; Roger Figard, City Engineer

A) Denton Road Detour at Folsom Street

The Chair noted that the Board sent a letter to Karl Fredrickson, City Public Works/Utilities Director, expressing concerns regarding a proposed detour of West Denton Road in conjunction with development of the Southwest Village (the detour will go north on South Folsom Street for a half mile, turn east on a road to be constructed called Southwest Amaranth Lane, proceed through a round-about, and then continue to the southeast until reconnecting with the original alignment of Denton Road).

Roger Figard, City Engineer, said the Nebraska Department of Roads is responsible for the connection and completion of Denton Road back into its alignment at Folsom Street at the time the interchange is built. He said the developer is ready to move ahead and has agreed to move dirt in and to permanently pave what will be part of the pavement for the future interchange and build a temporary asphalt connection back down to Highway 77. The developer is fronting costs for the Department of Roads and has indicated that he doesn't have the resources to pave down to Denton Road. Figard said there is a condition in the annexation agreement that should the Department of Roads continue to tarry, the developer is required, at a certain point of trips or a build-out of the center, to complete the paving. He also stated it is his understanding that the proposed roadway will allow traffic to get through and that the roundabout is designed to allow large trucks to get around.

Hudkins noted that West Denton Road is a major "farm to market road" and asked whether it will remain open until is the paving is completed.

Figard said he did not know. He said the "old" Denton Road will ultimately be closed, but said he is not sure of timing.

Hudkins asked whether the main access onto Highway 77 will be the new interchange or the "old" Denton Road.

Figard said he has asked Randy Hoskins, Assistant City Engineer, to meet with the developer, his engineer and Department of Roads representatives to talk about timing and logistics. He agreed to include Commissioner Stevens; Don Thomas, County Engineer; and Doug Pillard, County Engineering Design Division Head, in that discussion.

B) Yankee Hill Road Between 40th & 56th Streets

The Chair asked for an estimate of when the road will be paved.

Don Thomas, County Engineer, explained that City Public Works/Utilities is "out of the picture" and said the most straight forward way to do it would be to pave the road on section line as a county road, with extra wide shoulders (estimated cost of \$260,000 to \$270,000).

Stevens asked about an off-set.

Thomas said the County will need to reconstruct what was built several years ago. He said it will be a very expensive project as the culverts need to be replaced with larger culverts.

Schorr asked whether the project is in the One and Six Year Road and Bridge Improvement Program.

Thomas said no, but said the One and Six Year Road and Bridge Improvement Program will need to be amended if the Board decides to pave the road. He recommended delaying a decision until after the public hearing on the One and Six Year Road and Bridge Improvement Program in November.

Schorr requested a traffic count.

Thomas agreed to do so, but noted that the road is currently an unofficial detour for construction on Pine Lake Road.

Hudkins asked Figard for his opinion.

Figard distributed copies of a letter in which he asks the County Board to pave the road with asphalt off-set (Exhibit A). He said he understands that the County's resources are limited.

Thomas said if the County off-sets the road, it won't be paved next year. It would be reserved for re-building the following year.

Stevens said an alternative might be to pave it down the center line and acquire additional right-of-way on one side of the road so it could be a divided four-lane road at some point in the future.

Hudkins asked if the City could participate in the additional right-of-way costs.

Figard said he just doesn't have the resources.

Figard exited the meeting.

C) 1st Street Between Old Cheney Road and Pioneers Boulevard

Jerry David, pastor at Lincoln City Church located at 5001 South 1st Street, appeared and expressed concerns regarding the condition of the road.

Thomas said the road is scheduled in the One and Six Year Road and Bridge Improvement Program for improvement, with engineering work in 2007.

Hudkins asked Thomas to put some rock on the road and to contact Figard and see if the City has plans to annex the area.

ADMINISTRATIVE OFFICER REPORT

A. Correspondence from Malcolm Public Schools Superintendent Regarding Bluff Road

Hudkins said the Village of Malcolm, Malcolm Public School District and the Malcolm Rural Fire District all feel that paving of the ½ mile between 105th and 112th Street is critical. The County Engineer has indicated that paving will only go to the end of the school property. He suggested that the County Board Chair, County Engineer, Malcolm Public Schools Superintendent, and representatives of the Village of Malcolm and the Malcolm Rural Fire District meet to discuss the issue.

Thomas said the section between 112th Street and the school entrance will be paved as a dust control measure and said there is no justification to pave the other 1/4 mile.

Hudkins said there is confusion as to where the 1/4 mile ends.

Thomas agreed to place a stake to mark it.

Copies of the following Nebraska Revised Statutes were distributed at Commissioner Hudkins request (Exhibit B):

- ▶ Section 39-1501 *Highway superintendent of road unit system counties; county boards; general powers and duties*
- ▶ Section 39-1506 *County highway superintendent; qualifications*
- ▶ Section 39-1507 *Highway superintendent; powers; bond; annual inventory*
- ▶ Section 39-1508 *Highway superintendent; duties*
- ▶ Section 39-1509 *Highway superintendent; interest in public contracts prohibited; reports to county board; neglect of duty; removal from office*
- ▶ Section 39-2115 *Six-year plan; basis; filing; failure to file; penalty; funds placed in escrow*

- ▶ Section 39-2117 *Six-year plan; extension*
- ▶ Section 39-2119 *Counties and municipalities; plan for specific improvements; file annually with Board of Public Roads Classifications and Standards; hearing; notice; adoption; review; failure to file; penalty; funds placed in escrow*

4 PUBLIC DEFENDER MICROCOMPUTER REQUEST - Dennis Keefe, Public Defender; Doug Thomas, Information Services Director; Ken Kuszak, Microcomputer/Network Support Coordinator

Dennis Keefe, Public Defender, said the rationale for his microcomputer request has changed and now relates to the move to Courthouse Plaza. He presented a revised request (Exhibit C).

Doug Thomas, Information Services Director, said it reflects a reduction of approximately \$10,000. He said the estimate reflects CRT's and an upgrade to LCD's (flatscreen monitors) would cost \$323.40. Thomas added the computers will also be outfitted with DVD players and CD burners, which are frequently needed for case preparation.

Keefe noted the possibility that a new jail will be built offsite and said that could have a significant impact on his office. Video conferencing may be one solution.

MOTION: Stevens moved and Heier seconded approval of nine (9) PC's and related equipment and the additional cost of flatscreen monitors, if the Public Defender chooses to exercise that option. Workman, Stevens, Hudkins, Heier and Schorr voted aye. Motion carried.

5 RACE TRACK SPECIAL PERMIT - Mike DeKalb, Planner, Kristy Mundt, Deputy County Attorney

Mike DeKalb, Planner; and Kristy Mundt, Deputy County Attorney, presented a draft text amendment to the Lancaster County Zoning Resolution to provide for a drag strip/race track (Exhibit D).

Extensive discussion followed.

MOTION: Workman moved and Hudkins seconded to direct the County Attorney's Office to bring forward the text amendment, as written, with the following exceptions: 1) The title; 2) Article 13.016, Section (e), which is still under debate; 3) Add the word *frequency* in Article 13.016, Section (a), Subsection 9; 4) Change fifty (50) acres to forty (40) acres in Article 13.016, Section (b); 5) Add the word *boundary* in Article 13.016, Section (f); and 6) Clarify the meaning of property boundary.

Brief discussion followed regarding how many acres to require in Article 13.016, Section (b).

AMENDMENT: The maker of the motion and the seconder amended their motion to change Article 13.016, Section (b) to require a nominal seventy (70) acres.

FRIENDLY AMENDMENT: Hudkins offered a friendly amendment to include Article 13.016, Section (e) and to amend the language to read as follows: *The site shall not be located in parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.*

The maker of the motion did not accept the friendly amendment.

MOTION: Hudkins moved and Heier seconded to include Article 13.016, Section (e) and to amend the language to read as follows: *The site shall not be located in parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.*

ROLL CALL ON THE AMENDMENT: Heier and Hudkins voted aye. Workman, Stevens and Schorr voted no. Motion failed.

ROLL CALL ON THE ORIGINAL MOTION: Stevens, Heier, Workman, Hudkins and Schorr voted aye. Motion carried.

MOTION: Workman moved and Hudkins seconded to change the title to Race Track/Drag Strip/Motorsports.

Brief discussion followed.

The maker of the motion and the seconder withdrew their motion.

Board consensus was to change the title to add Motorsports.

MOTION: Workman moved and Heier seconded to include Article 13.016, Section (e) as written.

AMENDMENT: Hudkins moved and Heier seconded to amend Article 13.016, Section (e) to strike the following language: *prime agricultural land and.*

ROLL CALL ON THE AMENDMENT: Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

ROLL CALL ON THE ORIGINAL MOTION AS AMENDED: Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

MOTION: Hudkins moved and Workman seconded to direct the Planning Director to initiate a text amendment on behalf of the County Board. Heier, Stevens, Hudkins, Workman and Schorr voted aye. Motion carried.

6 REQUEST FOR TEMPORARY EMPLOYEE - Gary Chalupa, Veterans Service Officer/General Assistance Director

Gary Chalupa, Veterans Service Officer/General Assistance Director, requested authorization to hire a temporary employee for the Lancaster County General Assistance Office. He said the temporary employee will fill-in whenever an existing employee, who has been approved for intermittent leave under the Family Medical Leave Act (FMLA), is absent. There will be no financial impact since the employee that is being replaced is almost always in a non-pay status during absences.

MOTION: Stevens moved and Workman seconded approval of the request. Workman, Hudkins, Stevens, Heier and Schorr voted aye. Motion carried.

7 ACTION ITEMS

- A. Microcomputer Request C#2006-319, \$237.43 from Adult Probation Budget for 17" Flat Screen Monitor

MOTION: Heier moved and Stevens seconded approval. Heier, Workman, Stevens, Hudkins and Schorr voted aye. Motion carried.

8 ADMINISTRATIVE OFFICER REPORT

- A. Correspondence from Malcolm Public Schools Superintendent Regarding Bluff Road

Item moved forward on the agenda.

- B. Request from Rural Fire Departments for Payment of Audit Costs (\$5,200)

Doug Ahlberg, Emergency Management Director, appeared and said the audit is a requirement of a Federal Emergency Management Agency (FEMA) Grant that Southwest Rural Fire and Rescue received on behalf of Lancaster County Mutual Aid. The grant (\$540,000) was used to upgrade the county radio system.

Schorr suggested that the rural fire departments split the cost.

Hudkins suggested use of the Keno Fund.

Eagan advised the Board to seek a legal opinion on whether the County has authority to pay for the audit.

MOTION: Stevens moved and Workman seconded to deny the request. Stevens, Workman and Schorr voted aye. Hudkins and Heier voted no. Motion carried.

C. Wireless Committee (County Representative)

MOTION: Stevens moved and Hudkins seconded to appoint Commissioner Workman to the Wireless Committee and Kerry Eagan, Chief Administrative Officer, as alternate. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

D. Audit Committee

Item held.

9 DISCUSSION OF BOARD MEMBER MEETINGS

A. Monthly Meeting of County Board Chair/Vice Chair and Mayor - Heier

Heier said the Mayor said the City is looking at placing a stoplight at 84th Street and Havelock Avenue. The Mayor also asked about money from rural ambulance service.

Ahlberg said he plans to meet with the Mayor on Friday morning to discuss the last meeting with the rural fire district boards. He said he will also provide copies of minutes of that meeting to the Board.

B. Parks & Recreation Advisory Board - Stevens

C. Region V Governing Board - Schorr

D. Railroad Transportation Safety District (RTSD) - Workman, Stevens, Schorr

E. Monthly Meeting of Public Building Commission (PBC) Representatives and Mayor - Hudkins

Items B-E were held.

10 ADJOURNMENT

MOTION: Hudkins moved and Workman seconded to adjourn the meeting at 1:07 p.m. Stevens, Hudkins, Heier, Workman and Schorr voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk